THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 18599 of 2007

DATED: 22-11-2007

Between:

S.A.Sha Kaleem

…Petitioner

and

The District Collector,
Kurnool District,
Kurnool and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 18599 of 2007

Oral order:

This writ petition is misconceived for a variety of reasons. (a) the writ petition is incomplete. Only a part of paragraph 9 is there in the accompanying affidavit which continues from para 12; (b) the 5th respondent has alleged that the petitioner is not a bonafide public interest litigant, since he had earlier filed W.P.No.23587 of 2006 seeking recovery of possession of the property in question and for a direction to the official respondents therein to take further steps for interdicting further construction to be made by the 5th respondent. But the said writ petition was withdrawn; (c) since the State represented by the District Collector and other officials of the revenue are parties to W.P.Nos. 2231 and 8712 of 2005 as also O.P.No.107 of 1984 on the file of the Special Tribunal under the Land Grabbing (Prohibition) Act, 1982, the petitioner has failed to show that the State suffers from any disability, legal or otherwise, which disables the State to litigate competently in pursuance of State interest nor has the petitioner shown that the State actors have malafide or for extraneous consideration failed to protect the interest of State property; and (d) the petitioner is a neighbour of the property whereat the 5th respondent has made constructions for a school building. The petitioner has not disclosed any special interest which marks out his locus to litigate on behalf of the State.

In any event, since the State has now preferred an appeal

against the decision of the Special Tribunal under the Land Grabbing (Prohibition) Act, no further process in this writ petition is warranted.

For all the above reasons, the writ petition is dismissed. There shall be no order as to costs.

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GODA RAGHURAM, J

22-11-2007
GRR